UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.44
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ International Covenants on Human Rights, 2/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 3/

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 4/ and recalling the Addis Ababa agreement of July 1990, 5/

Recalling also its resolution 48/147 of 20 December 1993 and Commission on Human Rights resolution 1994/79 of 9 March 1994 on the situation of human rights in the Sudan, 6/

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, 7/ at its forty-ninth session by the Special Rapporteur on the question of religious intolerance 8/ and at its fiftieth session by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture, 9/

Welcoming the latest report of the Special Rapporteur on the situation of human rights in the Sudan, 10/ and noting with concern the continuing violations of human rights in the Sudan,

Recalling the statement of the Chairman of the fiftieth session of the Commission on Human Rights, at its sixty-first meeting, 11/ that Special Rapporteurs are the result of a solemn decision of the international community and that to cast any doubts on the integrity of the Special Rapporteurs is to cast them on the Commission itself,

Concerned that repeated attacks by airplanes of the Government of the Sudan on civilian targets in southern Sudan, which are in clear violation of international humanitarian law, have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers,

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4/ See A/47/558, annex II.

5/ See A/45/482, annex II.

6/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

7/ E/CN.4/1993/26 and E/CN.4/1993/46, respectively.

8/ E/CN.4/1993/62 and Corr.1 and Add.1.

9/ E/CN.4/1994/7 and Corr.1-2 and Add.1-2 and E/CN.4/1994/31, respectively.

10/ A/49/539.

11/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. XII, para. 480.

Emphasizing that it is the duty of all parties in the conflict in the Sudan to protect relief workers,

Deeply concerned that access by the civilian population to humanitarian assistance continues to be impeded, which represents a threat to human life and constitutes an offence to human dignity, but welcoming continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding the delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance to all persons in need,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries and conscious of the burden that this places on those countries, but expressing its appreciation for the efforts of host countries and of the international community to assist the refugees,

Deeply concerned at reports of the persistence of forced or compulsory labour in northern and southern Sudan alike, despite its prohibition by Sudanese and international law,

Gravely alarmed by repeated instances of violence against innocent civilians in the Sudan, including by the Government against displaced persons in the north and by the rebels in the south,

Disturbed by the continuing failure of the Government of the Sudan to provide for a full impartial investigation of the killings of Sudanese national employees of foreign government relief organizations,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including those violations of human rights which have occurred in the Nuba Mountains,

Deeply concerned at the reports of the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the last three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

1. Expresses its deep concern at the serious and continuing human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons, torture and forced labour;

2. Expresses its thanks to the Special Rapporteur for his most recent report; 9/

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Notes with displeasure the interference by the Government of the Sudan with the visit to the Sudan of the Special Rapporteur during September 1993, including the arrests of people who met with or tried to meet with the Special Rapporteur;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, 12/ the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

6. Urges the Government of the Sudan to cease immediately all aerial attacks and other attacks that are in violation of international humanitarian law, and to explain without delay the circumstances of the repeated air attacks on civilian targets in southern Sudan;

7. Notes with appreciation the ongoing regional efforts by several heads of State of States members of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

8. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of heads of State of States members of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda);

9. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and to facilitate their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

10. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, 13/ and the Additional Protocols

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12/ Resolution 44/25, annex.

13/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

thereto, of 1977, 14/ to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of land-mines by government and rebel forces alike;

11. Again calls upon the Government of the Sudan and all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver humanitarian assistance to all persons in need;

12. Calls again upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employed by foreign relief organizations and foreign Governments;

13. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

14. Requests the Secretary-General to continue to provide the Special Rapporteur all necessary assistance in the discharge of his mandate;

15. Calls upon the Government of the Sudan to extend its full and unreserved cooperation to and to assist the Special Rapporteur in the ongoing discharge of his mandate, and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

16. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights at its fifty-first session to give urgent attention to the situation of human rights in the Sudan;

17. Decides to continue its consideration of this question at its fiftieth session.

14/ Ibid., vol. 1125, Nos. 17512 and 17513.